

1 THE HONORABLE JOHN C. COUGHENOUR
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 RED DOT CORPORATION, a Washington
corporation,
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11 Plaintiff,

12 v.
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14 TRAVELERS CASUALTY AND SURETY
COMPANY f/k/a THE AETNA CASUALTY
AND SURETY COMPANY, a foreign
insurance company; and THE STANDARD
FIRE INSURANCE COMPANY, a foreign
insurance company,
15
16 Defendants.

CASE NO. 2:19-cv-01802-JCC

17 STIPULATION AND JOINT MOTION FOR
18 STAY

**NOTE ON MOTION CALENDAR:
DECEMBER 17, 2021**

I. STIPULATION AND JOINT MOTION FOR STAY

Plaintiff Red Dot Corporation (“Red Dot”) and Defendants Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company and The Standard Fire Insurance Company (collectively “Travelers”), by and through their respective counsel, file this Stipulation and Joint Motion to Stay this case for six months and to vacate the deadlines set forth in this Court’s Civil Trial Scheduling Order (Dkt. 34).

This lawsuit involves a coverage dispute arising out of a lawsuit filed by Highland Park Properties (“HPP”) against Red Dot for investigation and remediation of alleged environmental property damage at the Red Dot Manufacturing Facility in Tukwila, Washington (“the Site”) (the

**STIPULATION AND JOINT MOTION FOR
STAY - 1**

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1 “Underlying Action”). See Dkt. 37. Travelers agreed to defend Red Dot in the Underlying
 2 Action, and has been funding the defense and paying certain investigation costs related to the
 3 alleged property damage, under a complete reservation of rights. Travelers and Red Dot were
 4 unable to reach an agreement as to insurance coverage for remediation of the alleged property
 5 damage, primarily due to the lack of complete information regarding the nature and scope of the
 6 alleged contamination at issue.

7 Pursuant to an agreement between HPP and Red Dot, the Underlying Action has been
 8 stayed, with a plan to complete the investigation and remediation of the Site without the need for
 9 further litigation. Given the apparent progress that has been made pursuant to that plan, and the
 10 information Red Dot and Travelers (“the Parties”) hope to obtain regarding the nature and extent
 11 of contamination at the Site over the next six months, the Parties are optimistic they will be able
 12 to reach a full resolution and settlement with respect to Red Dot’s claim for coverage at the Site
 13 without the need for further litigation in this Coverage Action. The Parties therefore request that
 14 the Court vacate the current trial and pre-trial dates and stay this case until June 17, 2022. In the
 15 unlikely event that the Parties are unable to reach a complete settlement, they will submit, on or
 16 before June 17, 2022, a Joint Status Report with a proposed schedule to complete discovery and
 17 try the case.

18 DATED this 17th day of December 2021.

19 HARPER | HAYES PLLC

GORDON & POLSCER, L.L.C.

20 By: s/ Charles K. Davis

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 25 Attorneys for Plaintiff

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**STIPULATION AND JOINT MOTION FOR
 STAY - 2**

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II. ORDER

Based on the above Stipulation, it is ordered that the case is stayed for six months and the deadlines set forth in the Court's Civil Trial Scheduling Order are vacated. The parties will submit a Joint Status Report no later than June 17, 2022.

DATED THIS 20th day of December 2021.

John C. Coyne

John C. Coughenour
UNITED STATES DISTRICT JUDGE

Presented by:

HARPER | HAYES PLLC

By: s/ Charles K. Davis

Gregory L. Harper, WSBA No. 27311
Charles K. Davis, WSBA NO. 38231
Attorneys for Plaintiff

GORDON & POLSCER, L.L.C.

By: s/ T. Arlen Rumsey

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Attorneys for Defendants

STIPULATION AND JOINT MOTION FOR STAY - 3

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3 **CERTIFICATE OF SERVICE**

4 I, Edward Chien, hereby certify that on December 17, 2021, I caused the above pleading
5 to be served on the following:

6 **Attorneys for Plaintiff**

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8 Charles K. Davis
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- U.S. Mail
□ Hand Delivery
□ Telefax
 CM/ECF
□ UPS
 E-mail

12 I declare under penalty of perjury and the laws of the United States of America that the
13 foregoing is true and correct.

14 DATED this 17th day of December, 2021.

15
16 _____
17 *s/Edward Chien*
18 Edward Chien, Paralegal
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**STIPULATION AND JOINT MOTION FOR
STAY - 4**

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